

REMARKS**Summary of the Office Action**

Claims 1-4, and 8-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Dotsubo et al. (US, 6,556,243).

Claims 11-13 and 19-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by Searby et al. (US, 5,459,529).

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Dotsubo et al. in view of Simons et al. (US, 5,917,549).

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Dotsubo et al. in view of Katayama et al. (US, 5,982,951).

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Searby et al. in view of Muramoto et al. (US, 6,507,359).

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Searby et al. in view of Ejima et al. (US, 6,259,469).

Claims 17-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Searby et al. in view of Katayama et al.

Claims 6-7 and 14 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Title of the Invention stands objected to because it is not descriptive.

Summary of Response to the Office Action

Applicant has amended claims 1, 11, 20, and 23 to further define the invention and amended the Title of the Invention in accordance with the Examiner's comment. Accordingly, claims 1-23 are presently pending for consideration.

Objection to the Title of Invention

Title of the Invention is objected because it is not descriptive. Applicant has amended the Title of the Invention as suggested by the Examiner to read "DIGITAL CAMERA AND METHOD FOR COMPOSITING IMAGES." Accordingly, Applicant respectfully requests the objection to the Title of Invention be withdrawn.

All Claims Define Allowable Subject Matter**Rejections of claims under under 35 U.S.C. §§ 102 (b) and (e)**

In the Office Action, Claims 1-4, and 8-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Dotsubo et al. (US, 6,556,243) and claims 11-13 and 19-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by Searby et al. (US, 5,459,529). Applicant respectfully traverses the rejection of claims for at least the following reasons.

Independent claim 1, as amended, recites a digital camera including in part, "a reference image designating unit with which one or more of partial areas in an image to be referenced for image compositing that is displayed on said image display unit are selected and designated as a reference image area on said image display unit." In addition, independent claim 11, as amended, recites an image processing method, including in part, "designating in said camera selected one ore more of at least partial areas in said specified image to be referenced for image compositing as a reference image area." Furthermore, independent claim 20, as amended, recites

an image processing method, including in part, “designating in said camera selected one or more of partial areas in said specified image to be referenced for image compositing as a reference image area.” Moreover, independent claim 23, as amended, recites an image processing method, including in part “designating at least one reference image within at least one partial area in said specified image to be referenced for image compositing with at least one of said plurality of cameras; attaching reference image designation data to the reference image in said at least one of said plurality of cameras.” Applicant respectfully submits that at least these features of amended independent claims 1, 11, 20, and 23 are neither taught nor suggested by Dotsubo et al. and Searby et al., whether taken singly or combined.

In contrast to the Applicant’s claimed invention, Dotsubo et al. teaches at col. 11, line 55 to col. 12, line 43, and as depicted in FIGS. 5, 6, 20, and 12, a digital camera adapted to composite two independent images; photographed image data, text, or template image, to create a composite image by superimposing each other as a whole. Applicant respectfully submits that in the Applicant’s claimed invention, the image to be composited with the photographed image is designated as a reference image, which is a partial image obtained from an independent source (i.e., currently displayed photographed image, previously photographed image, pre-provided template image, pre-provided text, and other suitable image data). However, Dotsubo et al. does not teach that a partial image, rather than the image as a whole can be used to be composited with the main image.

In addition, Applicant respectfully submits that Searby et al. teaches at col. 2, lines 19-24, lines 29-36, lines 43-48, and lines 57-59, and as depicted from FIGS. 1 and 2, image composition system adapted to manipulate first image (i.e., photographed image) and second image (i.e.,

reference image) to create composite image using an independent control image obtained from the third source. Searby et al. implements the control image to define the percentage used from one picture when compositing two independent images. On the other hand, Applicant's claimed invention is adapted to define the partial area (i.e. control image defining the percentage used in one image) within the first image (i.e., photographed image) where the reference image (i.e., second image) is to be composited. Furthermore, Applicant respectfully submits that while Applicant's is adapted to manipulate the two independent image data (i.e., photographed image and reference image) in the instant camera, Searby et al. requires the processor connected to the camera to create composite image.

As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). Accordingly, Applicant respectfully submits that Dotsubo et al. and Searby et al., whether taken singly or combined, fail to teach or suggest every element of at least independent claims 1, 11, 20, and 23, then Dotsubo et al. and Searby et al. fail to anticipate at least independent claims 1, 11, 20, and 23, and hence dependent claims 2-4, 8-9, 12-13, 19, and 21-22. Accordingly, Applicant respectfully requests that the rejections of claims 1-4, 8-9, 11-13, and 19-23 under 35 U.S.C. §§ 102 (b) and 102 (e) be withdrawn.

Rejections of claims under under 35 U.S.C. § 103 (a)

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Dotsubo et al. in view of Simons et al.; claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Dotsubo et al. in view of Katayama et al.; claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Searby et al. in view of Muramoto et al.; claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Searby et al. in view of Ejima et al.; claims 17-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Searby et al. in view of Katayama et al. Applicant respectfully traverses the rejections for at least the following reasons.

In light of the arguments presented above in regards to Dotsubo et al. and Searby et al., Applicant respectfully submits that Simons et al., Katayama et al., Muramoto et al., Ejima et al., whether taken singly or combined fail to cure the deficiencies of Dotsubo et al. and Searby et al. Applicant respectfully notes that MPEP § 2143.03 instructs that “[to] establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).”

For at least the above reasons, Applicant respectfully submits that dependent claims 5, 10, 15, 16-18 are neither taught nor suggested by the applied prior art reference, whether taken singly or combined. Accordingly, Applicant respectfully requests that the rejections of claims 5, 10, 15, 16-18 under 35 U.S.C. § and 103(a) be withdrawn.

Objection to the Claims 6-7 and 14

Applicant has amended independent claim 1 to further define the invention. Accordingly, Applicant respectfully submits that amended independent claim 1 is allowable, hence, dependent claims 6-7 and 14, which respectfully depend from claim 1. Thus, Applicant respectfully requests objections to the claims 6-7 and 14 be withdrawn.

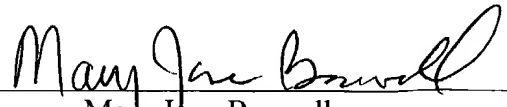
CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

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